APPENDIX 4

WORKING WITH LANDOWNERS

GENERAL AGREEMENT

BETWEEN THE

NATIONAL PARK SERVICE

AND

____(landowner)

CONCERNING THE

ICE AGE NATIONAL SCENIC TRAIL

Article I - Background and Objectives

This agreement is made and entered into, by and between the National Park Service, hereinafter referred to as the "NPS," and the above named landowner, hereinafter referred to as the "landowner," in furtherance of the purposes of and pursuant to the powers and authorities contained in the National Trails System Act of October 2, 1968, as amended [16 U.S.C. 1241 et seq.], hereinafter referred to as the "Act."

On October 3, 1980, Congress amended the Act to authorize and establish the Ice Age National Scenic Trail, hereinafter referred to as the "Trail," as a component of the National Trails System [94 Stat. 67; 16 U.S.C. 1244(a)(10)]. The Trail meanders through Wisconsin for approximately 1,200 miles from Potawatomi State Park in Door County to Interstate State Park in Polk County, generally following the terminal moraine and other landscape features left by the last glacial advance. The Secretary of the Interior was assigned administrative responsibility for the Trail.

The Act provides, in Section 7(h) [16 U.S.C. 1246(h)], that when determined to be in the public interest, the Secretary of the Interior may enter into written cooperative agreements with States or their political subdivisions, landowners, private organizations, or individuals to operate, develop, and maintain any portion of a national scenic trail either within or outside a Federally administered area. Such agreements may include provisions for limited financial assistance to encourage participation in the acquisition, protection, operation, development, or maintenance of such a trail, provisions providing volunteer in the park status (in accordance with the Volunteers in the Parks Act of 1969) to



individuals, private organizations, or <u>landowners</u> participating in such activities, or provisions of both types.

The Act also provides in Section 7(e), that the Secretary charged with the administration of a national scenic or national historic trail may enter into agreements with <u>landowners</u>, private organizations, and individuals for the use of lands for trail purposes.

This agreement is for the purpose of documenting the cooperative involvement of a private landowner in the completion and long-term management of the Trail and clarifying the responsibilities of each party for the Trail.

Because the Trail involves only a small portion of Federal lands and the Act provides that the development, operation, and maintenance of the Trail shall be a cooperative venture, with special emphasis on the participation of private volunteer trail organizations and private landowners, the Secretary of the Interior has determined it to be in the public interest to enter into this agreement.

The Secretary of the Interior has delegated overall administrative responsibility for the Trail to the NPS. The NPS, in cooperation with other public and private interests, completed a Comprehensive Plan for Management and Use of the Trail in September 1983. The NPS is responsible at the Federal level for carrying out the provisions of the Act as they relate to the Trail by coordinating, guiding, and assisting the efforts of others to acquire, develop, operate, protect, and maintain the Trail in accordance with the comprehensive plan.

Article II - Statements of Work

A. The NPS agrees:

1. To recognize the landowner as a Volunteer-in-Park (VIP) through execution of an agreement for individual voluntary services. The purpose of a VIP agreement is to formalize the commitment of a volunteer to the Trail and provide them with the protection enjoyed by Federal employees in circumstances of tort claims and injury compensation. Recognition of the landowner as a VIP shall be contingent on their agreeing to meet the record keeping and reporting requirements of



the program. Essentially, this is an annual reporting of any hours spent maintaining the trail.

The Volunteers in the Parks Act (16 U.S.C. 18g) authorizes the Secretary of the Interior to accept the services of volunteers for activities in and related to areas administered by the Secretary. While acting within the scope of their agreed responsibilities, individual volunteers would be considered as Federal employees for purposes of tort claim provisions of Title 28 of the United States Code and with regard to compensation for work injuries.

Individual Volunteers-in-the-Parks (VIPs) receive protection under the Federal Tort Claims Act and the Federal Employee Compensation Act while working within the scope of their responsibilities. Under the Federal Tort Claims Act (FTCA), any tort claim filed by a citizen, against trail club organizations and their members or other individuals who have entered into a Cooperative Agreement with the NPS, for personal or property injury sustained while using the Ice Age NST, arising from VIP activities, would be handled by the NPS as it does claims against employees. An investigation of facts is made by a designated Tort Claims Officer and reported to the Solicitor's Office for review.

A determination of Federal Government liability in each case is made and any award paid to a claimant(s) is borne by the Government. The FTCA grants jurisdiction for actions on monetary claims for injury, property loss or death "caused by the negligent or wrongful act or omission of any employee of the Government"....

It is also possible that an injured party may choose to proceed against a participating trail club or individual personally, pursuant to the legal action, rather than following the Federal Tort Claim procedure. In this case, we would expect the Department of Justice to defend the action. It is Department of Justice practice to represent Federal officials who are sued personally for actions that arise while within the scope of their employment. This should also be true for VIPs acting within the scope of their volunteer agreement....Therefore, if the claimant chooses to file suit, VIPs should normally be represented in court and court costs covered by the Government....As with Government employees, volunteers are protected for their negligent actions as long as it can be shown that they were acting within the scope of their responsibilities.

- 2. To provide training and assistance on trail development, operation, maintenance, protection, publicity, and public relations, as needed—should the landowner take an active interest in constructing or maintaining the trail across his/her property. Much of this will be accomplished by encouraging the local Ice Age Park and Trail Foundation (IAPTF) chapter or individual members to work closely with the landowner.
- To facilitate communication and contact between the landowner and local IAPTF members or chapter if it is not occurring satisfactorily.

B. The Landowner agrees:

 To allow passage of the Ice Age NST across his/her property. The original route location and any subsequent changes shall be as approved by the landowner. Property is shown on the attached plat map(s). NOTE: Please submit along with this agreement to NPS.



- 2. To allow members of the IAPTF and other volunteers working with them to follow the trail route as needed to construct and maintain the trail to accepted standards. Typically, the trail consists of cleared space 4 feet wide and 8 feet high; tread width of about 18 inches; and yellow 2 X 6 inch painted or plastic blazes affixed to trees or posts at reasonable intervals. If affixed to trees, aluminum nails will be used. No trees shall be removed without explicit permission of the landowner except for small saplings and limbs encroaching into the trail clearing.
- 3. To allow recreational passage by members of the IAPTF and the general public free of charge.
- To protect the trail, to the extent possible, from activities which destroy or damage the tread or the trail markings.
- 5. To protect the trail, to the extent possible, from unauthorized motorized activities and to report such activities to the local IAPTF representative.
- 6. To restrict activities such as dumping of trash, garbage, and other unsightly or hazardous materials on or in close proximity to the trail and strive to protect the natural scenic values of the area.
- 7. To provide for the protection of the trail, through contractual restrictions—if timber is cut immediately adjacent to the trail. This could include prohibitions on skidding along or across the trail except at reasonable intervals, slash removal from the trail and an adjacent reasonable distance, and protection of trees bearing the painted or plastic trail markings. It also includes notifying the local IAPTF representative of the anticipated cutting so that provisions can be made for temporary or permanent trail rerouting.
- 8. To provide an annual verbal or written estimate to the NPS by September 15 of the number of hours that he/she has spent actively working on the trail.
- 9. To permit the removal of trail markings and any other trail improvements (that are removable) within a reasonable time after this agreement expires or is terminated, if and when it does.



C. The NPS and Landowner agree:

- To coordinate their activities and programs related to the Trail to assure that the efforts of each party complement those of the other.
- That uses are restricted to foot travel <u>only</u>—including snowshoeing and possibly cross country skiing. Bicycles, horses, and all motorized vehicles are not permitted.
- That the landowner shall have the right to incidental, occasional passage along the trail by
 motorized vehicle for non-recreational activities such as the gathering of firewood, routine
 farming practices, and other similar personal activities.

Article III - Term of Agreement

This agreement shall continue in effect for 5 years from the date of the last signatory party unless terminated at an earlier date in accordance with Article V. At the expiration of this agreement, it may be successively renewed for additional periods by mutual agreement of both parties after reviewing its benefits.

Article IV - Key Officials

The key NPS officials are the Superintendent, Ice Age and North Country National Scenic Trails, and the Manager, Ice Age NST, both located at 700 Rayovac Drive, Suite 100, Madison, Wisconsin 53711.

The key landowner is as shown above, located at ________________________________

Article V - Termination

This agreement may be terminated upon 60 days advance written notice given by one party to the other, or it may be terminated earlier or revised by mutual consent of both parties. Termination of this agreement does not affect any operation and maintenance agreements which either party may

have with other cooperators.

Article VI - Standard Provisions

The obligation of the NPS and the Landowner to perform the responsibilities specified in this agreement is contingent upon the necessary funds being available through governmental appropriations or other sources. No legal liability on the part of the NPS or the Landowner to carry out such responsibilities shall arise unless and until funds are available to cover the expenses associated with performing the responsibilities specified herein.

Additional NPS Provisions

Nothing in this agreement shall affect or interfere with fulfillment of the obligations or exercise of the authority of the NPS or any other Federal Agency to manage the lands along the Trail route (within the boundaries of areas they administer) and the programs under their jurisdiction in accordance with their basic land management responsibilities.

No member of or delegate to Congress, or resident Commissioner, shall be admitted to any share or part of this agreement, or to any benefit that may arise therefrom, but this provision shall not be construed to extend to this agreement if made with a corporation for its general benefit.

During the performance of this agreement, the participants agree to abide by the terms of Executive Order 11246 on nondiscrimination and will not discriminate against any person because of race, color, religion, sex, or national origin. The participants will take affirmative action to ensure that applicants are employed without regard to their race, color, religion, sex, or national origin.

IN WITNESS WHEREOF, the parties hereto have executed this Memorandum of Understanding as of the last date written below.

Superintendent, Ice Age and North Country National Scenic Trails,	Date	-
National Park Service		
Landowner	Date	<u> </u>

TRAIL FAQ's:

What is the Ice Age Trail?

Officially named the "Ice Age National Scenic Trail", it is one of only eight national scenic trails in the United States, a 1,100-mile national walking/hiking trail located in and unique to Wisconsin. About 600 miles of the trail are now available for use. Wisconsin's Department of Tourism recognizes the trail as Wisconsin's number one outdoor recreational resource. It has been featured in National Geographic and Backpacker magazines.

What does the trail have to do with the Ice Age?

The route of the trail approximates the last stopping point or terminal edge of our most recent glaciation. The trail does diverge some places to include other features of the glacial landscape and/or scenic views of the "Driftless Area".

What and where is the "Driftless Area"?

It is the southwestern quarter of the state that has been untouched ("unglaciated") by ice sheets. It's a landscape deeply cut by ancient streams into narrow, twisting valleys and ridges. The surface landforms in the driftless area are much older than those in the rest of the state.

Recent glacier? When was that?

The last glacier that covered much of Wisconsin consisted of 6 large lobes reaching its greatest extent about 14,000 to 16,000 years ago before beginning to melt back. This most recent, named the Wisconsin glacier, was part of a much longer period of glaciation that covered most of northern North America, as far south as the Missouri and Ohio River Valleys. The last stage is called the "Wisconsin Glaciation" because its effects are more noticeable here than anywhere else in the U.S.

What can I see along the trail that was caused by the glacier?

A variety of geological landforms associated almost exclusively with the work of glaciers is more conspicuous here in Wisconsin than anywhere else in the world. Features like moraines, eskers, erratics, kettles, drumlins, kames, and lakes can be seen from the trail at various points throughout the state.

Glacial Features

Moraine - A ridge - - Formed by the gravel, sand and boulders carried along by the glacier and deposited where the glacier stopped. Some ridges are only 20'- 30' high while others in the Kettle Moraine rise 250' to 300'.

Esker - A sinuous ridge - - Formed of rounded sand and gravel deposited by the streams that flowed through tunnels at the base of the glacier.

Erratics - Boulders - - Carried long distances by the glaciers and deposited where the glacier melted, they tend to be smooth and rounded. Look for them because they signal the terminal moraine.

Kettle - A surface depression or pothole - - Formed by large, detached blocks of melting ice that were buried under moraines. As the ice melted, the moraine material



collapsed into the resulting hole forming funnel-shaped hollows. Some kettles are more than 20 feet deep.

Drumlin - An elongated hill - - formed from the debris carried by the glacier and deposited as it moved along. These streamlined, elongated hills show the direction the ice was moving. The Capitol in Madison sits atop a drumlin.

Kame -A conical hill - - composed primarily of water-rounded sand and cobbles, streams that flowed downward through cracks in the ice left these deposits.

Dells/Dalles - A gorge - - cut by the torrents of meltwater released by the melting glacier or draining glacial lakes. Some dramatic examples: the Dells of the Eau Claire, the Wisconsin Dells, and the Dalles of the St. Croix.

Outwash plain - A sandy plain - - Formed when glacial meltwater streams in front of the glaciers spread over a very wide, flat area. The sand was swept along into both glaciated and unglaciated areas by the water.

Lakes - Wisconsin contains over 15,000 lakes. Two hundred named lakes and several hundred other lakes and ponds will be found along the Ice Age Trail.

Where can I find the trail?

Trail segment brochures are available for completed portions of the trail. Each brochure contains a map of a specific segment as well as information about the geology and land-scape of the area. Brochures can be ordered:

- By writing to the Ice Age Park & Trail Foundation, 207 East Buffalo St., Suite 515, Milwaukee, WI 53202-5712
- By calling the Foundation: 800-227-0046
- By emailing the Foundation: iat@execpc.com
- At the Foundation's website: www.iceagetrail.org

How did this trail system get started?

It all began in the 1950's with Milwaukee native Ray Zillmer's idea of a 1,000 mile long park and hiking trail (hence the name 'Park' and Trail Foundation) that would wind through the state connecting communities and outstanding glacial features. The Foundation was established in 1958 to make the idea a reality. Ray died in 1960, but in 1964 the Ice Age National Scientific Reserve act was passed. In 1980 Congress recognized the national significance of the trail by designating it a National Scenic Trail (NST).

There are nine areas in Wisconsin designated as Scientific Reserves where outstanding examples of glaciation can be seen. They are:

- Two Creeks Buried Forest approx. 15 mi. N. of Manitowoc
- Northern Kettle Moraine State Forest N.W. of Milwaukee
- Campbellsport Drumlins- approx. 18 mi. S.E. of Fond du Lac

- Horicon Marsh
- Cross Plains approx. 7 mi. W. of Madison
- Devil's Lake State Park
- Mill Bluff State Park approx. 2 mi. N.W. of Camp Douglas
- Chippewa Moraine approx. 19 mi. N. of Chippewa Falls
- Interstate State Park at St. Croix Falls near the Wisconsin/Minnesota state line

Can I bike, cross-country ski, horseback ride or camp on the trail?

The trail is intended for <u>low-impact</u> activities like walking, backpacking, hiking, cross-country skiing, and snowshoeing. Different segments of the trail are owned by different entities (some is private land, for example) so usage is dictated by the desires of the owner. Some segments of the trail do coincide with state bike trails where biking is allowed.

Some segments also have designated campsites or pass near public camping facilities. Check with the Ice Age Trail chapter in the area you plan on visiting to see what rules apply. County chapter coordinators and their phone numbers are listed in each issue of Mammoth Tales (the quarterly newsletter of the Ice Age Park & Trail Foundation) or you can get the information by calling the Foundation headquarters in Milwaukee (800-227-0046).

Who owns and manages the trail?

A variety of partners own and manage segments of the trail. Among them: the Wisconsin Department of Natural Resources, the Ice Age Park & Trail Foundation, the National Park Service, the U.S. Forest Service, county and municipal park and forestry departments, and other civic entities and private landowners.

Where does the money come from to buy land for the trail?

Financial sources are federal, state, county, and private. The Foundation, much like The Nature Conservancy, purchases land with privately donated funds. The state of Wisconsin acquires land through its Stewardship Program, a portion of which is designated for the trail. It is through the foresight and generosity of all these donors that the Ice Age Trail protects the land and glacial features for future generations to enjoy.

Is the Ice Age Trail like the Appalachian Trail?

Not entirely, although both are National Scenic Trails. The Appalachian Trail is twice as long, about 2,200 miles and runs through 14 states, seldom intersecting a town or community. The Ice Age Trail will be about 1,100 miles long and totally contained within Wisconsin. One of the virtues of our trail is its involvement with the diverse communities along its route. It was designed to connect communities, not avoid them. In fact, more than 20% of Wisconsin residents live within 10 miles of the trail. The Ice Age Trail was designed very specifically to preserve and protect Wisconsin's <u>cultural</u> as well as its glacial heritage.

FOUNDATION FAQ's:

What is the Ice Age Park & Trail Foundation?

The Ice Age Park & Trail Foundation (IAPTF) is a nonprofit, volunteer-based organization headquartered in Milwaukee, Wisconsin. There are 21 local volunteer groups ("chapters") with more than 3,200 members in Wisconsin and 4,000-plus members nationwide. Through a cooperative agreement with the Wisconsin Department of Natural Resources (DNR) and the National Park Service (NPS), the Foundation staff and volunteers work to build and maintain the many segments of the Ice Age Trail.

Ice Age Park & Trail Foundation

Mission Statement

To preserve Wisconsin's cultural and glacial heritage along the Ice Age Trail for the education and enjoyment of present and future generations.

How can I participate and support the Trail?

You can become a member of the Ice Age Park & Trail Foundation for \$15/students and seniors, \$20/individuals, and \$30 for families. Contributions in any amount are welcome and are tax deductible. A portion of each member's dues is allocated to that member's local chapter to assist in the cost of maintaining the trail there.

Membership applications are available from local chapters or in each issue of <u>Mammoth Tales</u> as well as through the other contact sites given previously.

Members receive the quarterly newsletter, <u>Mammoth Tales</u>, and local chapter newsletters when available. They are also invited to take part in the Foundation's Annual Meeting and other informational and social events held throughout the year.

What is the Waushara County Chapter's relationship to the Ice Age Park and Trail

Foundation (IAPTF)?

The Waushara Co. Chapter is one of 21 volunteer groups ("chapters") that maintain and promote the trail from end-to-end. They are the Foundation's "cutting edges" of trail development.

The Mission of the Waushara County Chapter is to work as the local managing entity of the Ice Age Park and Trail Foundation to:

>Preserve Wisconsin's glacial heritage for the enjoyment of present and future generations,

Create a volunteer chapter that takes an active interest in the development, construction, maintenance, and protection of the trail in Waushara county, and

Provide membership of all ages, especially youth and families, a hiking and cross county skiing trail for all to use.

Where is the Ice Age Trail in Waushara County?

The Ice Age Trail in Waushara County generally follows the maximum extent of the glacier's movement. Two completed segments in the southwestern part of the county are located



within the Chaffee and Wedde Creek State Fishery Areas. Within the town of Deerfield, new trail will be completed by Summer 2001. This area of the trail, the Deerfield Segment, lies entirely on private property, and will cover roughly 4-5 miles.

Completed trail segments in Waushara County include:

- -Chaffee Creek Segment Trailhead: 3 miles south of Coloma at the I39 southbound rest area
- -Wedde Creek Segment Trailhead: DNR parking area off Czech Ave. in the Town of Richford

How can I locate these trail segments?

Foundation segment maps are not currently available for Waushara County. You can receive information and trail directions by calling Tom Pintar, the county chapter coordinator, at 715-228-2095.

What activities does the Chapter offer?

A wide variety of activities for many different interests and ages:

- <u>Trail building</u> Every year volunteers are constructing new segments, maintaining the existing segments, and working on signage construction.
- <u>Educational & entertainment</u> Chapter members lead interpretive walks emphasizing local geology, wildlife, and plants and wildflowers for many area school children. Annual chapter events include the Fall Hike-A-Thon in September, and a candle-light ski event in February.

Can all members of my family get involved?

Absolutely! Folks of all ages who are interested in any of the activities mentioned above are enthusiastically welcomed. If special instruction is needed, we will provide it. Adults have many opportunities to contribute to trail development and promotion. Both adults and children are offered opportunities to help maintain the local trail segments, and volunteer at various chapter trail events, like the fall hike and candlelight ski.

How can I learn more about and become involved with the Ice Age Trail in Waushara County?

There are many active volunteers willing to tell you about the trail and the work of the chapter. Several are listed below. Feel free to call them for further information.

- Chapter Coordinator Tom Pintar, Coloma 715-228-2095
- Landowner Contact Clyde Samsel, Hancock, 715-249-5602